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Report of the Working Group on the Universal Periodic Review*

Peru

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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Report of the Peruvian State on the recommendations made during the third cycle of the universal periodic review

I. Introduction

1. The Peruvian State is grateful to the 69 State delegations that participated in the session of the third cycle of the universal periodic review. It also appreciates the 182 recommendations made with the aim of improving the human rights situation of groups requiring special protection in Peru, including children, indigenous peoples, Afro-Peruvians, women, persons deprived of their liberty, migrants, persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons, domestic workers, and human rights defenders.

2. During its country review held on 8 November 2017, Peru reported on the significant efforts it had made to guarantee its citizens the widest and most effective enjoyment of their fundamental rights, reaffirming the country's commitment to continue working in partnership with the United Nations and the wider international community to implement international standards in every action undertaken, in close cooperation with civil society and the general public.

3. As part of that commitment, Peru is pleased to report that it has recently adopted Supreme Decree No. 002-2018-JUS establishing the third National Human Rights Plan (2018–2021), a multisectoral and comprehensive strategic policy instrument aimed at managing public policies on human rights.

4. The Plan addresses a number of the recommendations made in this cycle, including those linked to some of the main challenges facing groups requiring special protection. It also incorporates the implementation of international standards on business and human rights as a new line of approach, thereby establishing a commitment to introduce a national action plan on business and human rights in 2019.

II. Recommendations noted by the Peruvian State

5. Given that the human rights policy developed by the Peruvian State (both in the third National Human Rights Plan and other plans that are being progressively implemented) is closely related to the recommendations made during the universal periodic review, Peru accepts the recommendations received, with the exception of the following five recommendations: 111.13; 111.43; 111.44; 111.158 and 111.102, of which it takes note.

6. Peru takes note of recommendation 111.13 since it already follows a merit-based process when selecting candidates to treaty bodies. Peru also adheres to the requirements set out in the respective treaty, which provides for international candidatures from persons with the best professional and academic backgrounds.

7. Peru takes note of recommendations 111.43, 111.44 and 111.158, while bearing in mind that the Voluntary Principles on Security and Human Rights do not constitute legal human rights obligations for States, but rather voluntary commitments that companies are free to adopt, irrespective of the possible adherence by the State on whose territory they are operating. That shall not however preclude the due consideration of all academic contributions and good business practices during the development of a national action plan on business and human rights, pursuant to the National Human Rights Plan (2018–2021).

8. Peru takes note of recommendation 111.102 to "decriminalize abortion in all circumstances and ensure that women and girls can access safe and legal abortion", insofar as the term "in all circumstances" is misleading, since it is, strictly speaking, incompatible with international standards on the subject.

III. Comments of the Peruvian State regarding other recommendations

9. It is important to note that, in respect of the recommendations concerning the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights (111.1; 111.2; 111.3; 111.4 and 111.52), Peru has maintained a de facto moratorium on the application of the death penalty. The last death sentence and execution occurred in 1979, and while not having abolished the practice, the country has maintained a de facto abolitionist policy in spite of the provisions of the 1993 Constitution, which allow the death penalty only for exceptional crimes (such as terrorism and treason in the event of a foreign war).

10. With regard to the recommendations relating to the promotion and ratification of various international human rights treaties, Peru expresses its intention to take the necessary action to facilitate the incorporation of those instruments into domestic law.

11. In respect of recommendation 111.97, implementation will be centred around the adoption of the strategic action aimed at holding thematic round tables on women's rights, as outlined in strategic guideline No. 3 of the National Human Rights Plan, which provides for the establishment of a round table with State and civil society representatives to analyse and address the issue of persons who were victims of forced sterilizations between 1995 and 2001.

12. It should be noted that, on 6 November 2015, measures aimed at facilitating access to justice through the provision of free legal assistance, counselling and comprehensive health care for victims of forced sterilization between 1995 and 2001 were declared priority actions of national interest (Supreme Decree No. 006-2015-JUS).

IV. Conclusion

13. In conclusion, Peru wishes to express its commitment to making every effort towards the implementation of the recommendations of the universal periodic review and reporting on its progress to the United Nations in due course. Peru shares the common goal of the universal system of working together so as to guarantee for all Peruvians the effective enjoyment of all their human rights.